

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER 92-127

(AMENDING ORDER NOS. 92-022, 91-095, & 91-016)

SITE CLEANUP REQUIREMENTS FOR:

1990 BAY ROAD SITE  
EAST PALO ALTO  
SAN MATEO COUNTY

DISCHARGERS: RHONE-POULENC INC. ("RPI") AND  
SANDOZ CROP PROTECTION CORPORATION ("SCPC")

The California Regional Water Quality Control Board,  
San Francisco Bay Region (hereinafter called the Board) finds  
that:

1. Background Site Cleanup Requirements Order 92-022 was adopted on February 19, 1992, setting forth tasks and time schedules for implementation of the Remedial Action Plan ("RAP") for the Upland Operable Unit ("Upland OU") of the 1990 Bay Road Site (the "Site"). Site Cleanup Requirements Order 91-095 was adopted on June 19, 1991, setting forth tasks and time schedules for the implementation of the Early Action Removal Plan for the 1990 Bay Road Site. Site Cleanup Requirements Order 91-016 was adopted on February 20, 1991, splitting the Site into the Upland OU and the Wetland Operable Unit ("Wetland OU"), and setting forth tasks and time schedules for the feasibility studies and remedial action plans for these units.
2. Scope of this Order This Order is intended to consolidate the tasks, schedules, and reporting requirements included in Orders 92-022, 91-095, and 91-016. This Order is deemed necessary due to the changes in schedule required by the complexity of the project and the increased time required for agency review. This Order is also deemed desirable in order to compile all applicable tasks, schedules and reporting requirements into a single order. This Order supersedes all tasks, schedules, and reporting requirements included in all previous Orders, but does not amend the Findings, Prohibitions, Cleanup Specifications, or Provisions of Order 92-022 except for tasks, schedules, and reporting requirements (Provisions (1) & (2)).
3. This action is an order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of the CEQA pursuant to Section 15321 of the Resources Agency Guidelines.
4. The Board has notified the dischargers and interested agencies and persons of its intent under California Water Code

Section 13304 to prescribe Site Cleanup Requirements for the discharge and has provided them with the opportunity for a public hearing and an opportunity to submit their written views and recommendations.

5. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED, pursuant to Section 13304 of the California Water Code, that the dischargers, their agents, successors and assigns, shall cleanup and abate the effects described in the findings above and in Board Orders 91-016, 91-095 and 92-022 and as amended below:

C. PROVISIONS

1. The dischargers shall comply with the Prohibitions, Cleanup Specifications and Provisions (other than Provision (1) & (2)) of Order 92-022, in accordance with the following time schedule and tasks.

- a. TASK: ECOLOGICAL ASSESSMENT  
DUE DATE: Four months after final agency comments are issued

Description: RPI shall submit a technical report acceptable to the Executive Officer containing results of the wetlands ecological assessment study within four months after the Board Staff supplies the final comments of all applicable federal and state oversight agencies.

- b. TASK: SUBMITTAL OF DRAFT WETLAND OU FS  
DUE DATE: Three months after due date for Ecological Assessment

Description: RPI shall submit a technical report acceptable to the Executive Officer containing the results of the feasibility study evaluating final remedial measures for the Wetland OU.

- c. TASK: SUBMITTAL OF FINAL WETLAND OU FS/RAP  
DUE DATE: Two months after final agency comments are issued

Description: RPI shall submit a technical report acceptable to the Executive Officer containing recommended remedial measures for the Wetland OU, including a time schedule for implementation, within two months after the Board Staff supplies the final comments of all applicable federal and state oversight agencies.

- d. TASK: IMPLEMENTATION OF UPLAND OU REMEDIAL PLAN  
DUE DATE: June 30, 1993

Description: RPI shall submit a technical report acceptable to the Executive Officer documenting completion of the activities identified in the Upland Operable Unit ("Upland OU") Remedial Design. The report shall also contain a re-installation schedule for monitoring wells WCC-01 and WCC-17.

- e. TASK: REVISED SAMPLING AND ANALYSIS PLAN  
DUE DATE: November 30, 1992

Description: RPI shall submit a technical report acceptable to the Executive Officer evaluating the effectiveness of groundwater monitoring to detect changes in groundwater quality due to remedial actions, and proposing an appropriate sampling schedule for this purpose.

- f. TASK: IMPLEMENTATION OF DEEP AQUIFER MONITORING WELL INSTALLATION  
DUE DATE: 90 days after DAMP approved

Description: RPI shall submit a technical report acceptable to the Executive Officer documenting the installation of additional deep aquifer monitoring wells ninety days after the Executive Officer transmits acceptance of the revised Deep Aquifer Monitoring Plan ("DAMP").

- g. TASK: DEED RESTRICTIONS  
DUE DATE: 90 days after Executive Officer approves draft form

Description: RPI shall submit to the Board copies of notarized and properly recorded deed restriction documents for properties within the borders of the Site containing more than 70 mg/kg of arsenic.

2. The dischargers shall submit to the Regional Board acceptable reports on compliance with the requirements of this Order that contain descriptions and results of work and analyses performed. It is not the Board's intent to duplicate any reports due to any other agency; therefore, any reports due concurrently under this Order may be combined. These reports shall include those prescribed below:

- h. Monthly Status Reports. The dischargers shall submit on a regular basis monthly status reports on compliance with this Order. Reports are due on the 15th day of each month to cover the previous

month. Each report shall include at least the following:

- 1) Summary of work completed since submittal of the previous report, and work projected to be completed before submittal of next report.
- 2) Identification of any obstacles which may threaten compliance with the schedule of this Order and what actions are being taken to overcome these obstacles.
- 3) Written notification which clarifies the reasons for noncompliance with any requirement of this Order, and which proposes specific measures and a schedule to achieve compliance. This written notification shall identify work not completed that was projected for completion, and shall identify the impact of noncompliance on achieving compliance with the remaining requirements of this Order.

i. Annual Groundwater Monitoring Reports. On an annual basis, the dischargers shall submit reports to the Board on results of groundwater monitoring. The reports shall be due on July 31 of each year. Each report shall include at least the following:

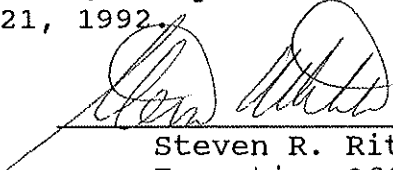
- 1) Tabulated results of annual water quality sampling analyses for all wells specified in the Sampling and Analysis Plan ("SAP"), and updated groundwater pollution plume maps based on these results.
- 2) A cumulative tabulation of all well construction details, water level measurements and updated piezometric maps based on these results.
- 3) Reference diagrams and maps including geologic cross sections describing the hydrogeologic setting of the site, and appropriately scaled and detailed base maps showing the location of all monitoring and extraction wells, and identifying adjacent facilities and structures.

j. Annual Summary Status Reports. On an annual basis, the dischargers shall submit summary status reports on the progress of compliance with all requirements of this Order and propose modifications which could increase the effectiveness of final cleanup actions. The reports shall be due on January 31 of each year, and shall cover the

previous calendar year. Each report shall include at least the following:

- 1) Evaluation of progress on site investigation and remediation.
  - 2) Evaluation of operations and effectiveness of remediation actions and systems.
  - 3) Evaluation of the feasibility of meeting groundwater and soil cleanup goals.
1. Except as superseded by adoption of this Order, Site Cleanup Requirements Order No. 92-022 shall remain in effect.
  2. Any provisions of this Order substantially identical to provisions which the State Water Board or a court of law determines to be in excess of the Board's legal authority shall have no force or effect in this Order.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 21, 1992.

  
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Steven R. Ritchie  
Executive Officer